

Federal Legislation Tracking
Cyberspace Committee of the Business Law Section
of the California State Bar
(last updated: May 2006)

TOPIC	BILL NO. (SPONSOR)	BILL NAME	SUMMARY	STATUS
IP Protection	HB ____ (L. Smith)	Intellectual Property Protection Act of 2006	<p>Expands the types of punishable criminal offenses and their related penalties for violations of anti-piracy laws. For example, attempted criminal piracy, even if the attempt fails, would be a punishable offense as long as the attempt was willful. In addition, the punishment for certain criminal copyright offenses would be doubled.</p> <p>Section 17, entitled "Improved Investigative and Forensic Resources for Enforcement of Laws related to Intellectual Property Crimes," proposes to establish and fund a new "operational unit" of the FBI to investigate crimes "related to the theft of intellectual property," and also "to investigate and prosecute international organized crime syndicates" engaged in the theft of intellectual property. Would also authorize the use of wiretaps for such investigations, and it would add to the list of items subject to forfeiture "any property used, or intended to be used, in any manner or part to commit or facilitate the commission" of a civil copyright offense.</p> <p>Also includes certain provisions relating to civil enforcement that may garner criticisms from a privacy and security perspective. Purports to add to the list of available civil remedies for infringement the impounding of</p>	5/1/2006: To be introduced.

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			any "records documenting the manufacture, sale, or receipt of items involved" in a copyright violation.	
Broadband Regulation	HB ____ (G. Smith)	Broadband for America Act of 2006	More Americans would be forced to pay taxes subsidizing broadband service in "unserved" locales, and cities would be free to go into the Wi-Fi business under an upcoming U.S. Senate bill. Sen. Gordon Smith, an Oregon Republican, plans to introduce a legislative package called the Broadband for America Act of 2006, he said at a conference hosted by the National Telecommunications Cooperative Association, which represents small and rural carriers.	5/1/2006: To be introduced.
Privacy	HR 3997 (LaTourette)	Financial Data Protection Act of 2005	To amend the Fair Credit Reporting Act to provide for secure financial data, and for other purposes.	5/4/2006 Referred to House committee. Status: Referred sequentially to the House Committee on Energy and Commerce for a period ending not later than June 2, 2006 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that Committee pursuant to clause 1(f), rule X.
Privacy	HR 4709 (Smith)	Law Enforcement and Phone Privacy Protection Act of 2006	Amends the federal criminal code to prohibit the obtaining of confidential phone records information from a telecommunications carrier or IP-enabled voice service provider ("covered entity") by: (1) making false or fraudulent statements to an employee of a covered entity or to a customer of a covered entity; (2) providing false or fraudulent documents to a covered entity; or (3) accessing customer accounts of a covered entity through the Internet without prior authorization. Imposes a	4/26/2006: Received in the Senate and Read twice and referred to the Committee on the Judiciary

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			fine and/or imprisonment of up to 20 years.	
Internet Broadcasting	HR 4861 (Ferguson)	Audio Broadcast Flag Licensing Act of 2006	To authorize the Federal Communications Commission to impose licensing conditions on digital audio radio to protect against the unauthorized distribution of transmitted content.	3/17/2006 Referred to House subcommittee. Status: Referred to the Subcommittee on Telecommunications and the Internet.
Broadband Regulation	S 2360 (Wyden)	Internet Non-Discrimination Act of 2006	A bill to ensure and promote a free and open Internet for all Americans.	3/2/2006 Referred to Senate committee. Status: Read twice and referred to the Committee on Commerce, Science, and Transportation.
Privacy	HR 4731 (Markey)	Eliminate Warehousing of Consumer Internet Data Act of 2006	To require owners of Internet websites to destroy obsolete data containing personal information.	2/17/2006 Referred to House subcommittee. Status: Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
Privacy	S. 2178 (Schumer)	'Consumer Telephone Records Protection Act of 2006'.	To make the stealing and selling of telephone records a criminal offense.	1/18/2006: Read twice and referred to the Committee on the Judiciary.
2005				
Copyright	H. R. 24 (Conyers)	Preservation of Orphan Works Act	To encourage the preservation and restoration of copyrighted works for research, scholarly, and educational purposes.	3/2/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
Copyright	H.R. 357 (Lamar Smith)	Family Entertainment and Copyright Act of 2005	To provide for the protection of intellectual property rights, and for other purposes.	3/2/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Courts, the Internet, and Intellectual Property (Superceded)

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				by S.357 – see below)
Copyright	S.167 (Hatch)	Artists' Rights and Theft Prevention Act of 2005' or the 'ART Act'.	A bill to provide for the protection of intellectual property rights, and for other purposes.	4/27/2005 Became Public Law No: 109-009
E-Commerce	H.R. 840 (Davis)	Ryan Haight Internet Pharmacy Consumer Protection Act of 2005	To amend the Federal Food, Drug, and Cosmetic Act with respect to the sale of prescription drugs through the Internet, and for other purposes.	3/14/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Health.
General	H.R. 1558 (Davis)	Computer-Assisted Remote Hunting Act	To amend title 18, United States Code, to prohibit certain computer-assisted remote hunting, and for other purposes	5/10/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
Information Security (General)	H.R.285 (Thornberry)	Department of Homeland Security Cybersecurity Enhancement Act of 2005	To amend the Homeland Security Act of 2002 to enhance cybersecurity, and for other purposes	4/20/2005 House committee/subcommittee actions. Status: Subcommittee on Management, Integration, and Oversight Discharged.
Privacy (Consumer)	H.R. 1263 (Sterns)	Consumer Privacy Protection Act of 2005	To protect and enhance consumer privacy, and for other purposes.	3/22/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
Privacy (Consumer)	H.R. 1099 (Hooley)	Anti-phishing Act of 2005	To criminalize Internet scams involving fraudulently obtaining personal information, commonly known as phishing.	5/10/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security
Privacy	H.R. 1080	Information Protection	To regulate information brokers and protect individual rights with respect to personally	3/14/2005 Referred to House subcommittee. Status: Referred to the

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(Consumer)	(Markey)	and Security Act	identifiable information	Subcommittee on Commerce, Trade and Consumer Protection.
Privacy (Consumer)	H.R. 1087 (Markey)	Social Security Number Protection Act of 2005	To strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of Social Security numbers and Social Security account numbers, and for other purposes.	3/14/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
Privacy (Consumer)	S. 472 (Leahy)	Anti-phishing Act of 2005	A bill to criminalize Internet scams involving fraudulently obtaining personal information, commonly known as phishing.	2/28/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on the Judiciary.
Privacy (Consumer)	S. 116 (Feinstein)	Privacy Act of 2005	A bill to require the consent of an individual prior to the sale and marketing of such individual's personally identifiable information, and for other purposes.	1/24/2005: Read twice and referred to the Committee on the Judiciary.
Privacy (General)	S. 29 (Feinstein)	Social Security Number Misuse Prevention Act	A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.	1/24/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on the Judiciary.
Privacy (Consumer)	S. 751	Notification of Risk to Personal Data Act	A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information.	4/11/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on the Judiciary.
Privacy (Consumer)	S. 768 (Schumer/Nelson)	Comprehensive Identity Theft Prevention Act	A bill to provide for comprehensive identity theft prevention.	4/12/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on Commerce, Science, and Transportation.

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Privacy (Consumer)	H.R. 3140 (Bean)	Consumer Data Security and Notification Act of 2005	To expand the protections for sensitive personal information in Federal law to cover the information collection and sharing practices of unregulated information brokers, to enhance information security requirements for consumer reporting agencies and information brokers, and to require consumer reporting agencies, financial institutions, and other entities to notify consumers of data security breaches involving sensitive consumer information, and for other purposes.	6/30/2005 Referred to House committee. Status: Referred to the House Committee on Financial Services.
Privacy (Consumer)	H.R.3997 (LaTourette)	Financial Data Protection Act of 2005	To amend the Fair Credit Reporting Act to provide for secure financial data, and for other purposes	10/6/2005 Referred to House committee. Status: Referred to the House Committee on Financial Services.
Privacy (Consumer)	H.R. 4127 (Sterns)	Data Accountability and Trust Act (DATA)	To protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach.	11/3/2005 House committee/subcommittee actions. Status: Forwarded by Subcommittee to Full Committee (Amended) by the Yeas and Nays: 13 - 8.
Privacy (Consumer)	S. 1332 (Specter)	Personal Data Privacy and Security Act of 2005	A bill to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.	7/1/2005 Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 151.
Privacy (Consumer)	S. 1326 (Sessions)	Notification of Risk to Personal Data Act	A bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft.	10/20/2005 Placed on Senate Legislative Calendar under General Orders. Calendar No. 252.

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Privacy (General)	H.R. 82 (Frelinghuysen)	Social Security On-line Privacy Protection Act	To regulate the use by interactive computer services of Social Security account numbers and related personally identifiable information	2/4/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
Privacy (General)	H.R. 83 (Frelinghuysen)	Wireless Privacy Protection Act of 2005	To require customer consent to the provision of wireless call location information.	2/4/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Telecommunications and the Internet.
Privacy (General)	H.R. 84 (Frelinghuysen)	Online Privacy Protection Act of 2005	To require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes.	2/4/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Commerce, Trade and Consumer Protection. Commerce.
Privacy (General)	H.R. 92 (Frelinghuysen)	TBD	To amend title XVIII of the Social Security Act to permit Medicare beneficiaries upon request to use an identification number other than a social security account number under the Medicare Program in order to deter identity theft.	2/4/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman.
Privacy (General)	H.R. 220 (Paul)	Identity Theft Prevention Act of 2005	To amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, to prohibit the establishment in the Federal Government of any uniform national identifying number, and to prohibit Federal agencies from imposing standards for identification of individuals on other agencies or persons	1/25/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Social Security

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Privacy (General)	S.936	TBD	A bill to ensure privacy for e-mail communications.	4/28/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on the Judiciary
Privacy (General)	S. 500 (Nelson)	Information Protection and Security Act	A bill to regulate information brokers and protect individual rights with respect to personally identifiable information.	3/3/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on Commerce, Science, and Transportation.
Privacy (Internet)	H.R. 1189 (Green)	Personal Pictures Protection Act of 2005	To amend title 18, United States Code, to punish the placing of sexual explicit photographs on the Internet without the permission of the persons photographed.	5/10/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
Software (Privacy)	H.R. 29 (Bono)	The Securely Protect Yourself Against Cyber Trespass Act, or SPY ACT	To protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes	5/24/2005 Referred to Senate committee. Status: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
Software (Privacy)	H.R. 744 (Goodlatte)	Internet Spyware (I-SPY) Prevention Act of 2005	To amend title 18, United States Code, to discourage spyware, and for other purposes.	5/24/2005 Referred to Senate committee. Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.
Software (Privacy)	S. 687 (Burns)	Software Principles Yielding Better Levels of Consumer Knowledge Act or the SPY BLOCK Act	A bill to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes.	3/20/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on Commerce, Science, and Transportation
Software	S. 1608	Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders	To enhance Federal Trade Commission enforcement against illegal spam, spyware, and cross-border fraud and deception, and for	7/29/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on Commerce, Science, and

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(Privacy)	(Smith)	Act of 2005' or the 'U.S. SAFE WEB Act of 2005'.	other purposes.	Transportation
Wireless	H.R. 214 (Sterns)	Advanced Internet Communications Services Act of 2005	To promote deployment of and investment in advanced Internet communications services.	2/4/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Telecommunications and the Internet.
Wireless	H.R. 144 (McHugh)	Rural America Digital Accessibility Act	To bridge the digital divide in rural areas.	2/4/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Telecommunications and the Internet.
Wireless	H.R. 1139 (Pitts)	Wireless 411 Privacy Act	To amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services.	3/22/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Telecommunications and the Internet.
Wireless	H.R. 2726 (Sessions)	Preserving Innovation in Telecom Act of 2005	Amends the Communications Act of 1934 to prohibit any state or local government, or an entity affiliated with either government, from providing any telecommunications, information, or cable service in any geographic area within such government in which a corporation or other private entity not affiliated with such government is offering a substantially similar service.	5/27/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
Wireless	S. 1294 (Lautenberg)	Community Broadband Act of 2005	Amends the Telecommunications Act of 1996 to prohibit any state statute, regulation, or other legal requirement from prohibiting any public provider from providing, to any person or public or private entity, advanced telecommunications capability or any service	6/23/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on Commerce, Science, and Transportation.

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			that utilizes such capability.	
Wireless	S.1504 (Ensign)	Broadband Investment and Consumer Choice Act	A bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.	7/27/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on Commerce, Science, and Transportation

OTHER ACTIONS/HEARINGS:

ACTION	COMMITTEE/SUBCOMMITTEE	TOPIC/TITLE	SUMMARY	STATUS
Hearing-- April 27, 2005	House Committee on Energy and Commerce Subcommittee on Telecommunications and the Internet	How Internet Protocol-Enabled Services Are Changing the Face of Communications: A View from Government Officials		
Hearing – May 3, 2005	House Committee on the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security	Oversight Hearing on the Implementation of the USA PATRIOT Act: Sections 201, 202, 223 of the Act that Address Criminal Wiretaps, and Section 213 of the Act that Addresses Delayed Notice.		
Hearing – May 10, 2005	Senate Committee on Commerce, Science, and Transportation	To hold hearings to examine data broker services, and the treatment of such services under existing State and Federal privacy laws.		